

APPENDIX D.

ORDERS REGARDING JUVENILE OFFENDERS.

“(2) *Arrest and detention by the Police.*—Arrests of children and young persons will continue to be effected in the ordinary way as prescribed by the Criminal Procedure Code. After the arrest of a person appearing to be under sixteen, however, the provisions of the Criminal Procedure Code regarding detention and bail will not apply. Instead, section 18 of the Children's Act makes it obligatory for the Police to release boys on bail in all cases (except when charged with culpable homicide or offences punishable with death or transportation in which cases release on bail is discretionary), unless such release will bring them into association with any reputed criminal; and to release girls on bail in all cases without exception if sufficient security is forthcoming. The provisions of this section must be scrupulously followed in order to avoid detention in an illegal manner.

Should any juvenile not be released on bail by Police for any reason the manner of his detention under section 19 is prescribed in Rule 3. In such cases he should be produced before a Court at the earliest possible moment.

“(3) *Remand by Courts.*—The manner of detention on remand by a Court is prescribed in Rule 4.

If absolutely necessary a boy may be remanded to custody in a magisterial lock-up or sub-jail apart from adult prisoners, but this should not be resorted to if it can be avoided. Any institution, school, hospital, dispensary, hostel, mission, orphanage, Criminal Tribes Settlement, Children's Home or private house, which the Court considers suitable, and the owner or occupier of which is agreeable, may be used as a place of safety for the purpose of remand. Government are prepared to pay diet charges at a rate not exceeding eight annas per diem in such cases if required. In this connection District Magistrates are reminded of paragraph 1 of Government Resolution, Home Department, No. 5781/3, dated the 3rd August 1935, regarding diet charges of juveniles on remand.

“(4) *Preliminary enquiries by Probation Officers or Supervisors.*—Probation is the term applied to the procedure provided for in section 24 (b) of the Act, when a child or young person, after being found to have committed an offence, is committed to the care of a relative or fit person under a bond to be of good behaviour and is placed under the supervision of a person named by the Court. The latter is known as the probation officer (or supervisor). Probation if properly regulated is an extremely valuable method of dealing with many offences and is especially appropriate to the cases of juveniles. It is anticipated, that if probation work is well organised, the majority of cases will be found to be best dealt with in this manner.

"(5) The duties of voluntary probation officers are briefly described in a separate pamphlet copies of which are being forwarded to all District Magistrates, and need not be enumerated here beyond mentioning that, in addition to the work of supervision after the Court has passed a probation order, the probation officer is also responsible for preliminary enquiries into the general character, home circumstances, etc., of the accused during the pendency of the proceedings and while he is remanded either on bail or in custody. This enables him to advise the Court regarding the best way of dealing with the case when the time comes for the Court to pass its order. The preliminary home enquiry carried out by the probation officer is of course entirely unconnected with the investigation of the offence, which will be carried out by the Police in the ordinary way. The Police will however inform the probation officer through the Court if necessary, of the arrest of any juvenile in order that he may begin making his enquiries in the manner described in the pamphlet, and will afford him facilities for interviewing the juvenile concerned....."

"(10) The cases of juveniles should be taken up at different times from the cases of adults, and if possible in different places. Attention in this connection is drawn to section 46 (2).

"(11) The provisions of the Criminal Procedure Code will be followed in the conduct of cases, but every avoidable formality should be done away with. The proceedings should be made as simple as possible, and care must be taken to see that the accused child or young person understands them.

"(12) Strict attention must be paid to section 27A which directs that the Court shall, for the purpose of determining what order to pass, have regard to the character and circumstances, etc., of the child or young person. The required information should normally be obtained through the probation officer as described in paragraph 5 above.

"(13) In passing final orders the following points should be carefully borne in mind, viz., the illegality of sentences of imprisonment (except in very exceptional circumstances), transportation or death; the advantages of probation; the parent's liability to pay any fine imposed; and the parent's liability to contribute to the maintenance of a youthful offender sent to a certified school."

"(15) *General principles of Juvenile Court work.*—It is impossible to describe these at length within the compass of a circular. Government however would advise all magistrates to study the handbook "*Reformation of Offenders in India*" by Mr. O. H. B. Starte, C.B.E., I.C.S., published by Government in 1933, which provides a convenient exposition of the methods of juvenile courts."

*(Government Circular No. 5039/3-III, dated 24th February 1936.)